

## TITLE 6. ECONOMIC SECURITY

CHAPTER 10. DEPARTMENT OF ECONOMIC SECURITY  
THE JOBS PROGRAM

(Authority: A.R.S. §§ 41-1954(1)(b) and 41-1954(3))

*Editor's Note: The Office of the Secretary of State publishes all Code Chapters on white paper (Supp. 05-4).**Editor's Note: Sections of this Chapter were repealed and adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 300, § 74(A). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on these rules. Under Laws 1997, Ch. 300, § 74(B), the Department is required to institute the formal rulemaking process on these Sections on or before December 31, 1997. Because these rules are exempt from the regular rulemaking process, the Chapter is being printed on blue paper.***ARTICLE 1. JOBS: GENERAL PROVISIONS***Article 1, consisting of Sections R6-10-101 thru R6-10-121, repealed; new Sections R6-10-101 thru R6-10-125 adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).*

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## ARTICLE 1. JOBS: GENERAL PROVISIONS

*Editor's Note: The following Section was repealed and a new Section adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Ch. 300, § 74 (A). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on this Section.*

**R6-10-101. Definitions**

The definitions in A.R.S. § 46-101 and the following definitions apply to this Chapter:

1. "AHCCCS" means the Arizona Health Care Cost Containment System.
2. "Assessment" means the evaluation of a participant by a case manager, with the assistance of the participant, to determine employment potential, as well as services necessary to remove barriers to employment. The case manager will use the assessment to develop the participant's employment plan.
3. "At risk" means an individual who is either expecting a child or has a dependent child and is vulnerable to becoming TANF dependent based on one or more of the following factors. The individual:
  - a. Has reading or math skills that are at or below ninth grade level;
  - b. Has dropped out of school;
  - c. Has a criminal record;
  - d. Is homeless or a run-away youth;
  - e. Has a mental or physical disability;
  - f. Is pregnant;
  - g. Is a victim of domestic violence;
  - h. Has received services from a domestic violence shelter;
  - i. Is income eligible for TANF;
  - j. Has a WIA service delivery area designated barrier;
  - k. Is a displaced homemaker;
  - l. Is eligible for WIA programs
  - m. Is attending school; or
  - n. Other similar factors that place the family at risk.
4. "Barrier" means a circumstance that, if not addressed, may prevent or delay participation in work activities. A barrier includes one or more of the following circumstances, or any similar circumstance:
  - a. A temporary physical or mental condition, including behavioral health issues of the participant or the participant's family member for whom the participant is the primary caregiver;
  - b. A physical or mental disability of the participant or the participant's family member for whom the participant is the primary caregiver;
  - c. A lack of transportation;
  - d. A lack of child care;
  - e. Limited English proficiency;
  - f. A threat of domestic violence toward the participant, the participant's family member, or the caregiver for a minor child, if the threat interferes with the participant's ability to participate in work activities;
  - g. Illiteracy; insufficient education; lack of vocational skills; or
  - h. An ongoing family crisis that interferes with the participant's ability to participate in work activities.
5. "Calendar week" means seven consecutive days beginning on Saturday.
6. "Calendar year" means a 12-month period beginning January 1 and ending December 31.
7. "Case manager" means the Jobs employee who determines the needs of an individual requesting or receiving services through Jobs.
8. "Case Management" means the process through which Jobs determines the needs of the participant requesting or receiving services through Jobs. Appropriate services or benefits for participants are identified, planned, obtained, provided, recorded, monitored, and terminated, and follow-up is provided, as necessary and subject to budgetary constraints, in accordance with A.R.S. § 46-299.
9. "Cash assistance program" means the state Temporary Assistance for Needy Families program established by 42 U.S.C. § 601 et seq.
10. "Community resource" means a community, faith-based, or non-profit organization that provides services to the general public at no cost to the participant or Jobs.
11. "Community service program" means an unpaid work activity that provides a service to the community or an organization.
12. "Complaint" means a formal accusation or charge expressing dissatisfaction or a grievance with a service provider, an agency, or a Jobs action or decision.
13. "Day" means a calendar day unless otherwise specified. If, under rule or statute, a deadline falls on a weekend day or a holiday, Jobs shall consider the deadline to fall on the next business day.
14. "Department" means the Arizona Department of Economic Security.
15. "Education directly related to employment" means remedial education, classes leading to a GED or high school diploma, and English for Speakers of Other Languages (ESOL).
16. "Employment plan" means the document described in R6-10-108, prepared by the participant and the Program, which lists the steps required of the participant, the services to be provided by Jobs, and the referrals made to address barriers to participation to transition the participant to economic independence.
17. "Employment services" means vocational educational training, education directly related to employment, job skills training, and other similar training or education provided by a service provider or community resource to assist a participant in obtaining employment.
18. "FAA" means the Family Assistance Administration, an administrative unit within the Department's Division of Benefits and Medical Eligibility responsible for providing cash assistance to eligible persons.
19. "Fails to participate," or "failure to participate," means that a participant has not done one or more of the following, absent good cause:
  - a. Participated in job readiness activities,
  - b. Complied with the requirements in the participant's employment plan, or
  - c. Participated in work activities.
20. "Full-time employment" means employment that is 40 hours per week or, if less, is regarded as full-time for a specific industry.
21. "Functionally incapable" means a person who suffers a continuing inability to function in daily life activities due to life circumstances, including past physical or sexual abuse, insufficient education, nonexistent vocational skills, episodic depression, or emotional dysfunction.

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22. "GED" means general equivalency degree, which is a certificate awarded upon completion of a series of five tests that demonstrate high school skills equivalency.
23. "Good cause" means one or more of the circumstances listed in R6-10-121(B).
24. "Health care professional" means a licensed physician, registered nurse, or a licensed physician's assistant.
25. "Immediate threat of domestic violence" means a domestic violence situation that, in the perception of the participant, is physically, mentally, or emotionally dangerous or harmful to the participant or any child living with the participant.
26. "Job readiness assistance" means all activities, involving the Department and the participant, that prepare a participant for work. These activities include: completion of an assessment, any additional assessments under R6-10-107(E), and an employment plan; attendance at the Jobs Introduction Meeting; participation in an employment preparation program, which includes life skills, employment, and job retention skills training; and any other Program requirement under this Article or a statute pertaining to assisting a participant in preparing for and obtaining employment.
27. "Jobs" means the administrative unit within the Department's Division of Employment and Rehabilitation Services that is responsible for administration of the Jobs Program, including providers under contract with the Department that provide Jobs case management and employment services.
28. "Job search" means a structured activity in which participants are required to actively seek employment by identifying employment opportunities, applying for employment, and participating in employment interviews.
29. "Job skills training" means training that enables a participant to become proficient in an occupation or skill necessary to meet the participant's employment goal.
30. "Jobs Program services" means ongoing case management services offered to participants by Jobs.
31. "JOBSTART" means the Department's subsidized employment work activity in the public and private sectors.
32. "JOBSTART employment" means the subsidized employment work activity for which participants are hired.
33. "Licensed physician" means:
  - a. Medical doctors,
  - b. Doctors of osteopathy,
  - c. Doctors of naturopathic medicine,
  - d. Chiropractors,
  - e. Psychiatrists,
  - f. Board-certified psychologists, or
  - g. Other personnel authorized to act on the physician's behalf.
34. "Mailing date" means one day after the date printed on the notice.
35. "OJT" means on-the-job training, which is a paid training opportunity generally provided at a worksite for a specified period.
36. "Participant" has the meaning in A.R.S. § 46-101(15), and includes any recipient selected to participate in the Jobs Program.
37. "Primary activity" means a work activity that counts toward the work requirement.
38. "Program" means the Jobs Program, as authorized by A.R.S. § 46-299.
39. "Program Administrator" means the Program Administrator of the Employment Administration.
40. "Recipient" has the meaning in A.R.S. § 46-101(17), and includes an individual who received assistance or services but is no longer eligible for cash assistance because of statutory time limits.
41. "Regular employee" means an unsubsidized individual currently employed by an employer.
42. "Sanction" means a reduction or termination of cash assistance, for all families, except TPEP families, who fail to participate in the Jobs Program without good cause.
43. "Satisfactory attendance in high school or GED activities" means that a participant who has not completed high school or received a GED is attending high school or participating in GED activities and meeting attendance requirements established by the school or GED program.
44. "Satisfactorily participates in education directly related to employment" or "satisfactory progress" means that a participant is meeting, on a periodic basis, a consistent level of progress, based upon standards established by the educational institution or program and approved by Jobs, in which the participant is enrolled for educational or training activities.
45. "Secondary activity" means a work activity that counts toward the work requirement only after the participant obtains the required number of hours of primary activity.
46. "Services" means Jobs Program services, community resources, employment services, support services, or any other available service, subject to budgetary constraints.
47. "Service provider" means an entity that is responsible for providing services to clients. This includes Jobs staff, an agency or organization, public or nonprofit, or a person awarded a grant or contract by the Jobs Program to provide services to clients.
48. "Subsidized employment" means employment in a public or private sector organization that receives a JOBSTART subsidy to offset the cost of wages (and possibly other employer-paid benefits) of an employee.
49. "Supplemental payment" means an amount paid to a participant whose net wages are less than the combined benefit amount of cash assistance and food stamps for which the participant is eligible.
50. "Support services" means services provided to a Jobs participant that facilitate the participant's ability to participate in work activities, accept and maintain employment, and successfully make the transition to employment. Examples of support services include child care and transportation.
51. "Temporary Assistance for Needy Families" or "TANF" has the meaning in A.R.S. § 46-101(22).
52. "Teen custodial parent" means a parent age 13 through 19 years, who is caring for that parent's own child.
53. "TPEP" means the Two-Parent Employment Program that provides cash assistance for a two-parent family if:
  - a. The parents have at least one child in common;
  - b. Neither parent is permanently disabled; and
  - c. The primary wage-earning parent is unemployed or underemployed.
54. "Transportation-related expenses" means travel costs that a participant will incur because of participation in the Jobs Program.
55. "Unaffordable child care" means that child care is not affordable to a family because the cost of care is more than the Department will pay.
56. "Unavailable child care" means that:

- a. The location of a child care provider is at a distance that requires a one-way travel time by vehicular transportation equal to or greater than one hour, measured from the participant's residence to the child care provider and then to work, or if walking, a distance that requires a one-way travel time equal to or greater than 1/2 hour, measured in the same manner;
- b. Child care providers do not have available slots or vacancies;
- c. Child care providers cannot provide services to a child with a disability who has special needs;
- d. Child care providers related to the child are unavailable or unwilling to provide care;
- e. Child care is available through a non-relative provider, but the provider is unwilling to apply for DES certification; or
- f. A child age 13 or older requires adult supervision:
- i. Due to a disability, which includes mental health or other health-related issues;
  - ii. Because the child would be harmful to himself, herself, or others if left alone; or
  - iii. Because the child is on court-ordered probation that requires the child to remain in the home or under house arrest.
57. "Unsubsidized employment" means all paid employment in the public or private sector except JOBSTART or OJT.
58. "Unsuitable child care" means that child care is available through a provider, but the participant declares in writing that the provider is unsuitable based on factors, such as the following. The provider:
- a. Has a history of child neglect or abuse;
  - b. Is experiencing domestic violence;
  - c. Has a history of serious crime;
  - d. Is a drug abuser;
  - e. Has an emotional, mental, or physical condition that prevents the provider from providing safe care;
  - f. Resides in a home that is unsafe for children; or
  - g. Possesses similar attributes that render the provider unsuitable to furnish child care services.
59. "Verification" means any documentation that substantiates an individual's claim.
60. "Vocational educational training" means training that is intended to result in a degree, certificate, or license. Vocational educational training includes hours spent studying for vocational coursework, as provided in R6-10-116(E). Examples of vocational educational training include post-secondary education, as limited by A.R.S. § 46-299(B), and training in such professions as carpentry, auto mechanics, nursing, or certified public accountancy.
61. "WIA" means the federal Workforce Investment Act of 1998.
62. "WIA local workforce investment area designated barrier" means that a participant has a barrier to employment as determined by a WIA service provider.
63. "Withholding" means retention of semi-monthly TPEP cash assistance payments for TPEP parents who fail to participate or comply with Jobs Program requirements without good cause.
64. "Work activities" means activities that are countable toward the federal work participation rate as prescribed in 42 U.S.C. 607:
- (a) Unsubsidized employment;
  - (b) Subsidized private or public sector employment;
  - (c) Work experience;
  - (d) On-the-job training;
  - (e) Job search and job readiness assistance;
  - (f) Community service programs;
  - (g) Vocational educational training;
  - (h) Job skills training directly related to employment;
  - (i) Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency;
  - (j) Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate, as described in A.R.S. § 46-101(24)(j).
65. "Workday" means Monday through Friday, excluding Arizona state holidays.
66. "Work experience" means unpaid work in the public or private sector that helps a participant establish a good work record and develop good work habits and skills, and provides opportunities for the participant to transition into paid employment.
67. "Work requirement" means the minimum number of hours required for a Jobs participant to participate in work activities as a condition of eligibility for cash assistance.

#### Historical Note

Adopted effective January 10, 1977 (Supp. 77-1).  
Amended effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective June 6, 1995 (Supp. 95-2). Section repealed; new Section adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).  
Amended by final rulemaking at 11 A.A.R. 5371, effective January 14, 2006 (05-4).

#### R6-10-101.01 Applicability

The rules in this Chapter apply to all Jobs service providers.

#### Historical Note

New Section made by final rulemaking at 11 A.A.R. 5371, effective January 14, 2006 (05-4).

*Editor's Note: The following Section was repealed and a new Section adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Ch. 300, § 74 (A). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on this Section.*

#### R6-10-102. Work Requirement

- A.** To remain eligible for cash assistance, a recipient shall participate in work activities unless the recipient is governed by subsection (B).
- B.** Jobs shall not require a recipient of cash assistance or a participant in the Jobs Program to participate in work activities if either is:
1. Already complying with the work requirement;
  2. A dependent child less than age 16 or is age 16 through 18 and attending school;
  3. Temporarily deferred from the work requirement, as prescribed in R6-10-106; or
  4. Temporarily excused from participating in a work activity, under R6-10-121(B).

- C. Jobs shall assign all participants, other than those listed in subsection (B), to work activities for 35 hours per week or more as required to meet the federal work rate.
- D. Jobs may require a participant who has not been temporarily deferred to participate in work activities for up to five hours more per week than the minimum number of hours required to meet the work requirement, if required by an employer.
- E. The Department shall impose a sanction, as provided in R6-10-123, or a withholding, as provided in R6-10-124, if a participant who is required to participate in work activities fails to do so without good cause, as defined in R6-10-121.
- F. Jobs shall permit a recipient who is already complying with the work requirement to voluntarily participate in the Jobs Program, under the following conditions:
  1. Jobs shall provide Jobs Program services on a first-come, first-served basis, to the extent that resources permit, except that Jobs shall give priority to volunteers who are nearest to reaching the 60-month lifetime limit for cash assistance.
  2. Jobs shall not sanction a volunteer who fails to participate in work activities without good cause. However, the volunteer shall lose Jobs Program priority status for participation in the Program. For the purpose of this subsection, "good cause" means one of the circumstances described in R6-10-121(B).

#### Historical Note

Adopted effective January 10, 1977 (Supp. 77-1).  
Amended effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective June 6, 1995 (Supp. 95-2). Section repealed; new Section adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).  
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#### R6-10-103. Tribal Welfare-to-Work Program

Jobs shall not serve an individual who is eligible to receive assistance through a tribal cash assistance program or services through a Tribal program similar to Jobs.

#### Historical Note

Adopted effective January 10, 1977 (Supp. 77-1).  
Amended effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective June 6, 1995 (Supp. 95-2). Section repealed; new Section adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).  
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#### R6-10-104. Selection for Participation in the Jobs Program

- A. In selecting recipients to participate in the Jobs Program, Jobs shall give priority to recipients who are:
  1. At risk of losing cash assistance due to time limits, or
  2. At risk of becoming long term welfare dependents.
- B. Jobs shall consider the following factors when determining selection priorities:
  1. The number of months a recipient has received cash assistance,
  2. Whether the recipient is a teen-custodial parent, and
  3. Sanction status.
- C. Jobs shall begin Jobs Program services for a TPEP individual at the time the parent individual reports to a Jobs local office.

#### Historical Note

Adopted effective January 10, 1977 (Supp. 77-1).  
Amended effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective June 6, 1995 (Supp. 95-2). Section repealed; new Section adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).  
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#### R6-10-105. Jobs Introduction Meeting

- A. Jobs shall notify in writing a recipient selected to participate in Jobs of the requirement to attend a Jobs Introduction Meeting. The notice shall include:
  1. The date and time of the Jobs Introduction Meeting and the address of the Jobs local office where the Jobs Introduction Meeting will be held;
  2. Information regarding transportation, translation, and child care assistance that may be available for the Jobs Introduction Meeting if requested, and the contact information necessary to obtain available services;
  3. A provision explaining that if the recipient needs transportation, translation, or child care services to attend the Jobs Introduction Meeting, and the services are not available, the recipient has good cause for not attending the Jobs Introduction Meeting under R6-10-121(B).
  4. The procedure for rescheduling the Jobs Introduction Meeting, under R6-10-105(C); and
  5. A statement that the consequence of failing, without good cause, to attend the Jobs Introduction Meeting is progressive sanctioning under A.R.S. § 46-300.
- B. A recipient selected under subsection (A) becomes a participant in the Jobs Program and shall attend a Jobs Introduction Meeting provided by Jobs. Upon request, the Department shall provide the participant with transportation, translation, and child care assistance, if services are available, to enable the participant to attend the Jobs Introduction Meeting. If a participant is unable to attend the Jobs Introduction Meeting because

requested services are not available, the participant shall be granted good cause under R6-10-121(B).

- C. At the Jobs Introduction Meeting, Jobs shall:
1. Register the participant in the Program;
  2. Explain to the participant the rights and responsibilities of the participant, Jobs, and the Department's child care program, including:
    - a. A statement that the consequence of non-compliance with the Program requirements, without good cause, is progressive sanctioning under A.R.S. § 46-300;
    - b. The contents and meaning of the Program sanction or withholding notices; and
    - c. The deferral and good cause procedures;
  3. Complete privately, with the participant's assistance, an assessment of the participant;
  4. Complete privately, with the participant, an employment plan that takes into account the participant's background and skills, any barriers to employment, and any available services that will assist in the removal of barriers to employment.
- D. Jobs shall explain the procedures for rescheduling the Jobs Introduction Meeting, and the consequences of failure to complete the Jobs Introduction meeting.
1. If a participant does not attend a Jobs Introduction Meeting as required by the Jobs Program, the case manager shall send the participant a Jobs Introduction Meeting Rescheduled Notice to allow the participant to reschedule attendance at the meeting. The Jobs case manager shall also attempt to contact the participant by telephone, inquire as to whether other administrations have had contact with the participant, or use any other reasonable method of making contact with the participant.
  2. If the participant fails to attend the rescheduled meeting or contact the case manager by the close of business 10 calendar days after the date of the original meeting, the case manager shall initiate the good cause process described in R6-10-121. The case manager shall count the day following the date of the original meeting as day 1.

#### Historical Note

Adopted effective January 10, 1977 (Supp. 77-1).  
 Amended effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective June 6, 1995 (Supp. 95-2). Section repealed; new Section adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).  
 Amended by final rulemaking at 11 A.A.R. 5371, effective January 14, 2006 (05-4).

#### R6-10-106. Temporary Deferrals

- A. Jobs shall determine whether to temporarily defer a participant from engaging in work activities under A.R.S. § 46-299(A) and this Section.
- B. Jobs shall defer a participant with a temporary or permanent disability. A participant with a temporary or permanent disability may opt to participate and receive reasonable accommodation to facilitate participation, and Jobs shall not impose a sanction if the participant is then subsequently unable to participate due to the disability.
- C. For the purposes of this Section:
1. "Disability" means a physical or mental impairment that substantially limits one or more major life activities, and includes being mentally, physically, or functionally incapable of participating in work activities.
  2. "Permanent disability" means a disability under subsection (1) that is expected to last for the life of the individual.
  3. "Temporary disability" means a disability under subsection (1) that is not expected to last for the life of the individual.
- D. Jobs shall obtain verification of a temporary or permanent disability from a participant according to the terms of subsection (J) from any of the following:
1. A health care professional;
  2. A vocational rehabilitation specialist; or
  3. The district medical consultant.
- E. Jobs shall temporarily defer a participant from work activities if the participant or the participant's child is a victim of domestic violence.
1. Jobs shall grant a temporary deferral for domestic violence if:
    - a. Participation in Jobs threatens the safety of or, in the perception of the participant, causes an immediate threat of physical, mental, or emotional harm to the participant, the participant's child, or any child living with the participant; or
    - b. Due to domestic violence, the participant has been physically or emotionally harmed to such an extent that the participant is incapable of participation in Jobs.
  2. Jobs shall provide a participant who is a victim of domestic violence with:
    - a. A deferral from Program requirements, under A.R.S. § 46-244 and R6-10-121, for a period of time that will enable the participant to safely participate in work activities. The maximum deferral period is 6 months. Jobs may grant additional deferrals consistent with A.R.S. § 46-299; and
    - b. A referral to appropriate and available services.
- F. Jobs shall temporarily defer a participant who needs to be present to care for a dependent who has a disability if no other member of the household is available or suitable to provide the care. The participant shall provide a statement, obtained from an individual listed in subsection (D), regarding the dependent's disability within 15 days of the date on the deferral request. The Department may grant an extension if the participant has requested a statement from a health care professional and is unable to obtain the statement within 15 days.
- G. Jobs shall temporarily defer a participant who is an unmarried custodial parent less than age 18 and personally caring for a child less than 12 weeks of age.
- H. Jobs shall temporarily defer a participant who is a parent, relative, or caretaker personally caring for a child less than one year of age, for no more than 12 months in the participant's lifetime, unless the participant is a teenaged custodial parent who does not have a high school diploma or GED.
- I. Jobs shall temporarily defer only one parent at a time in a TPEP family. Jobs shall temporarily defer a TPEP parent, if the TPEP parent:
1. Is personally caring for the TPEP parent's child who is less than one year of age, unless the TPEP parent is a teenaged custodial parent who does not have a high school diploma or GED;
  2. Is an unmarried teen custodial parent less than 18 years of age who is personally caring for a child less than 12 weeks of age;
  3. Is personally caring for a member of the family, who is not the other TPEP parent, who has a disability, as verified by a health care professional, and no other member

of the household is available or suitable to provide the care; or

4. Has an illness that is expected to last less than 30 days, as verified by a health care professional.

**J.** Jobs shall request that a participant substantiate the participant's claim of inability to participate in work activities due to a circumstance established under this Section, and shall assist the participant as necessary to obtain the verification. Unless otherwise stated, the following are examples of acceptable verification:

1. Physician or other health care professional statement;
2. Vocational Rehabilitation (VR) consultation report, if a physician or health care professional statement does not contain conclusive information and the participant claims a disability;
3. Police report;
4. Court or medical records;
5. Newspaper article, or similar evidence of public knowledge;
6. Statement from crisis shelter staff or witness to domestic violence;
7. Statement from DES Child Protective Services;
8. Statement from a third party; or
9. Statement signed by the participant if no other verification is available.

**K.** Jobs shall determine the length of time that a participant is temporarily deferred based on the information provided under this Section.

#### Historical Note

Adopted effective January 10, 1977 (Supp. 77-1). Amended effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective June 6, 1995 (Supp. 95-2). Section repealed; new Section adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 5371, effective January 14, 2006 (05-4).

#### **R6-10-107. Participant Assessment; Referral**

- A.** At or following the Jobs Introduction Meeting, the case manager shall, with the assistance of the participant, complete an assessment, using a standard form, to identify any possible barriers to employability or participation in the Jobs Program. The participant shall provide, either verbally or in writing, all personal information necessary to accurately complete the assessment form. The assessment form shall include questions to determine whether the participant needs services to address:
1. Past or ongoing domestic violence,
  2. Chemical dependency,
  3. Psychological or psychiatric needs,
  4. Education or training insufficient to obtain or sustain employment,
  5. Mental, physical, or functional incapacity or disability,
  6. Issues regarding retaining or maintaining employment,
  7. Inadequate housing,
  8. Inadequate child care, or
  9. Inadequate transportation,
  10. Other family issues that affect the individual's ability to participate in work activities.
- B.** Using the information from the assessment, Jobs shall refer a participant who is identified as in need of services to available Jobs Program services or community resources. Jobs shall give priority to any service provider that furnishes services at no cost to the participant. Jobs shall refer the participant to any available community resource that provides the service, or a contracted provider, if available to address the needed service.

If, after researching available options, the case manager determines that a needed service is not available through Jobs Program services or community resources, Jobs shall not make a referral and shall grant the participant good cause for not engaging in work activities under R6-10-121.

- C.** If a participant does not cooperate with the assessment process, Jobs is not required to provide the participant with referrals to service providers.
- D.** Jobs shall use the information provided by the participant during the assessment to develop the employment plan described in R6-10-108.
- E.** Based on the initial assessment and available resources, Jobs may determine that a participant may benefit from a more in-depth employment-focused assessment. The case manager shall determine whether such an assessment can be provided by an outside provider.

#### Historical Note

Adopted effective January 10, 1977 (Supp. 77-1). Amended effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective June 6, 1995 (Supp. 95-2). Section repealed; new Section adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 5371, effective January 14, 2006 (05-4).

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#### **R6-10-108. Employment Plan**

- A.** Jobs and the participant shall complete an employment plan for the participant that takes into consideration barriers to employment and incorporates work activities and agreed upon services offered, so that the participant can meet work requirements and move into unsubsidized employment at the earliest opportunity. Jobs shall include the following in the employment plan:
1. Employment goals,
  2. Work activities,
  3. Dates for beginning and ending activities,
  4. Available services offered by Jobs Program or community resources,
  5. A list of referrals made as a result of the participant assessment,
  6. Signatures of the participant and the case manager assigned to oversee provision of services to the participant. Jobs shall not sanction a participant solely for refusing to sign the employment plan.
- B.** The case manager, in consultation with the participant, may revise the employment plan as necessary to ensure the participant continues to advance toward the employment goal. The case manager shall revise an employment plan:
1. To address any barriers to participation identified by the case manager or the participant,
  2. To reflect any change in services needed by the participant, if the participant has expressed an intent to participate with the Jobs Program, as provided at R6-10-123, and

3. At any time a participant's circumstances require a change in work activities or services.

**Historical Note**

Adopted effective Jan 10, 1977 (Supp.77-1). Amended effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective June 6, 1995 (Supp. 95-2). Section repealed; new Section adopted effective July 31, 1997, under an exemption from the provisions of A.R.S.

Title 41, Chapter 6 (Supp. 97-3). Amended by final rulemaking at 11 A.A.R. 5371, effective January 14, 2006 (05-4).

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**R6-10-109. Primary Activities**

- A.** Jobs shall assign a participant, unless temporarily deferred under R6-10-106, to no less than 30 hours per week of primary activities, based on the participant's employment plan described in R6-10-108. For the 10 remaining required work activity hours, Jobs shall assign the participant to any primary activity or any secondary activity as described in R6-10-111.
- B.** Unsubsidized employment is the first priority for a participant. Whenever possible, Jobs shall assign a participant to unsubsidized employment as the participant's primary activity.
- C.** The following are primary activities:
1. Unsubsidized employment;
  2. Job search and job readiness assistance, described in R6-10-112, for up to six weeks per federal fiscal year;
  3. Subsidized employment such as JOBSTART, described in R6-10-125;
  4. OJT, described in R6-10-113;
  5. Work experience, described in R6-10-114;
  6. Community service programs, described in R6-10-115;
  7. Vocational educational training, described in R6-10-116:
    - a. If the participant is an unmarried custodial parent, provided that the state continues to meet the federally required work participation rates referenced in A.R.S. § 46-299(B);
    - b. For up to 12 months, for all other participants;
  8. Satisfactory attendance in high school or GED preparation classes, described in R6-10-117, for any single teen custodial parent who is a head of household and has not obtained a high school diploma or GED;
  9. Education directly related to employment, described in R6-10-117, for any teen custodial parent who is a head of household and has not obtained a high school diploma or GED.
- D.** TPEP parents shall participate for a minimum of three consecutive work days in work activities before the Department authorizes issuance of the initial TPEP cash assistance payment.

**Historical Note**

Adopted effective January 10, 1977 (Supp. 77-1). Section repealed, new Section adopted effective June 6, 1995 (Supp. 95-2). Section repealed; new Section adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

Amended by final rulemaking at 11 A.A.R. 5371, effective January 14, 2006 (05-4).

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**R6-10-110. Participation that Meets the Work Requirement**

- A.** The following participants meet the work requirement:
1. A parent who is participating in work activities for at least the minimum average number of hours per week under R6-10-102(C).
  2. A parent with a child less than age 6, who participates for at least 20 hours per week in primary activities, except that only one parent in a TPEP family can meet the federal work requirement in this manner.
  3. A single, teen custodial parent less than age 20 who:
    - a. Is a head of household;
    - b. Has not obtained a high school diploma or GED; and either
      - i. Maintains satisfactory attendance in high school or GED activities, or
      - ii. Satisfactorily participates in education directly related to employment for at least an average of 20 hours per week during the month.
- B.** A participant who falls in one of the categories listed in subsection (A), who is deemed to be meeting the work requirement, may participate in additional work activities beyond those that meet the work requirement.

**Historical Note**

Adopted effective January 10, 1977 (Supp. 77-1). Amended effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective June 6, 1995 (Supp. 95-2). Section repealed; new Section adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3). Title 41, Chapter 6 (Supp. 97-3). Amended by final rulemaking at 11 A.A.R. 5371, effective January 14, 2006 (05-4).

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**R6-10-111. Secondary Activities**

- A.** Jobs may assign a participant to secondary activities based on information obtained through the assessment or contained in the participant's employment plan only after the participant meets required participation in primary activity hours under R6-10-109.
- B.** The following are secondary activities:
1. Job search and job readiness assistance that exceeds the maximum of six weeks per federal fiscal year allowable as a primary activity;

2. Job skills training directly related to employment;
3. High school or GED preparation for a participant (other than a single, teen custodial parent who is a head of household) who has not attained a high school diploma or GED certificate; and
4. Education directly related to employment for a participant (other than a single, teen custodial parent who is a head of household) who has not attained a high school diploma or GED certificate.

#### Historical Note

Adopted effective January 10, 1977 (Supp. 77-1). Amended effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective June 6, 1995 (Supp. 95-2). Amended effective December 11, 1995 (Supp. 95-4). Section repealed; new Section adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3). Amended by final rulemaking at 11 A.A.R. 5371, effective January 14, 2006 (05-4).

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#### R6-10-112. Job Search and Job Readiness Assistance

- A. Based on information obtained through assessment or contained in a participant's employment plan, Jobs may assign a participant to job search and job readiness assistance as a primary activity in accordance with 42 U.S.C. § 607.
- B. A participant assigned to job search and job readiness assistance as a primary activity shall participate in job search and job readiness assistance for at least the minimum number of hours required under R6-10-102.
- C. On not more than one occasion per participant, Jobs shall permit three or four days of job search and job readiness assistance, and Jobs shall count this as a full week of participation.

#### Historical Note

Adopted effective January 10, 1977 (Supp. 77-1). Amended effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective June 6, 1995 (Supp. 95-2). Section repealed; new Section adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3). Amended by final rulemaking at 11 A.A.R. 5371, effective January 14, 2006 (05-4).

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#### R6-10-113. On-the-job Training (OJT)

- A. Based on information obtained through the assessment or contained in a participant's employment plan, Jobs may assign a

participant to OJT if other work activities have not resulted in employment and OJT is consistent with the participant's employment plan.

#### B. Jobs shall approve OJT worksites and assignments that:

1. Are designed to improve the participant's chances for employment, and
2. Provide compensation in accordance with applicable wage laws.

#### Historical Note

Adopted effective January 10, 1977 (Supp. 77-1). Amended effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective June 6, 1995 (Supp. 95-2). Section repealed; new Section adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3). Amended by final rulemaking at 11 A.A.R. 5371, effective January 14, 2006 (05-4).

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#### R6-10-114. Work Experience

- A. Based on information obtained through the assessment or contained in a participant's employment plan, Jobs may assign a participant to work experience to improve the participant's employability, or meet work participation requirements.
- B. When assigning work experience, Jobs shall select work experience that is consistent with the participant's employment plan and consider the participant's prior training and experience.

#### Historical Note

Adopted effective January 10, 1977 (Supp. 77-1). Amended effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective June 6, 1995 (Supp. 95-2). Section repealed; new Section adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3). Amended by final rulemaking at 11 A.A.R. 5371, effective January 14, 2006 (05-4).

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#### R6-10-115. Community Service Programs

Based on information obtained through the assessment or contained in a participant's employment plan, Jobs may assign a participant to community service programs to establish good work habits if the participant is unlikely to meet work participation requirements by participating in other primary activities.

**Historical Note**

Adopted effective January 10, 1977 (Supp. 77-1).  
Amended effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective June 6, 1995 (Supp. 95-2). Section repealed; new Section adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).  
Amended by final rulemaking at 11 A.A.R. 5371, effective January 14, 2006 (05-4).

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**R6-10-116. Vocational Educational Training**

- A. Based on information obtained through the assessment or contained in a participant's employment plan, Jobs may assign a participant to vocational educational training, for any period of time up to the maximum of 12 months, if other work activities have not resulted in employment and vocational educational training is consistent with the participant's employment plan.
- B. In addition to criteria in subsection (A), Jobs shall use the following criteria to determine whether a participant should be assigned to, or remain in, vocational educational training:
1. The participant:
    - a. Lacks a self-supporting skill for available jobs in the participant's geographical area;
    - b. Will attend at least half-time, as defined by the institution, an educational or training facility that is legally authorized, accredited, or recognized in Arizona as providing a program to prepare students for gainful employment; and
    - c. Remains in good standing with the educational or training institution and makes satisfactory progress as defined by the institution.
  2. The participant seeks the education or training activities to attain skills directly related to job opportunities for self-supporting employment in a recognized occupation that does not have high turnover due to substandard wages or working conditions.
- C. Jobs may approve, as vocational educational training, the educational or training activities of an individual who is already enrolled in educational, vocational, or technical training at the time the individual is selected for the Program.
- D. Jobs shall use the following criteria to determine whether the educational or training activities of an individual already enrolled in education or training is approved:
1. The individual is:
    - a. Attending at least half-time, as defined by the institution, an educational or training facility that is legally authorized, accredited, or recognized in Arizona as providing a program to prepare students for gainful employment; and
    - b. In good standing with the educational or training institution and is making satisfactory progress, as defined by the institution;
  2. The individual seeks the education or training activities to attain skills directly related to job opportunities for self-supporting employment in a recognized occupation that

does not have high turnover due to substandard wages or working conditions.

- E. Jobs shall allow time spent studying for vocational education training coursework to count toward the work participation requirement at a rate of one hour of study time for every two hours of scheduled classroom time.

**Historical Note**

Adopted effective January 10, 1977 (Supp. 77-1).  
Amended effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective June 6, 1995 (Supp. 95-2). Section repealed; new Section adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).  
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**R6-10-117. High School, GED Preparation, and Education Directly Related to Employment**

- A. Based on information obtained through the assessment or contained in a participant's employment plan, Jobs may assign a teen custodial parent who has not obtained a high school diploma or GED to education directly related to employment.
- B. Jobs may assign a single, teen custodial parent, who is head of household and has not obtained a high school diploma or GED, to education directly related to employment.
- C. Jobs may only assign an adult participant, who does not have a high school diploma or GED, to education directly related to employment as a secondary activity.

**Historical Note**

Adopted effective January 10, 1977 (Supp. 77-1).  
Amended effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective June 6, 1995 (Supp. 95-2). Section repealed; new Section adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).  
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**R6-10-118. Transportation-related Expenses**

- A. As budget permits, Jobs shall reimburse a participant for a transportation expense of up to \$7.00 per day incurred as a result of complying with the work requirement. If Jobs determines that a lack of transportation expense reimbursement prevents a participant from participating in work activities, Jobs shall:

1. Identify an alternate work activity or mode of transportation that does not require the participant to incur a transportation expense; or
  2. Grant the participant good cause for failing to participate in work activities in accordance with R6-10-121(B).
- B.** Jobs may pay transitional transportation and post-employment education and training for up to six months from the date of employment if a participant's cash assistance case is closed due to employment.

#### Historical Note

Adopted effective January 10, 1977 (Supp. 77-1).  
Amended effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective June 6, 1995 (Supp. 95-2). Section repealed; new Section adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).  
Amended by final rulemaking at 11 A.A.R. 5371, effective January 14, 2006 (05-4).

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#### R6-10-119. Support Services

- A.** As budget permits, Jobs may provide a participant with support services to enable participation in the Program. Jobs shall give a participant a list of available support services. Support services may include:
1. Transportation services to assist a participant with transportation expenses that may be incurred as a result of Jobs participation. Services may include:
    - a. Transportation-related expenses (TRE),
    - b. Bus tickets or passes,
    - c. Vehicle repair,
    - d. Vehicle general maintenance,
    - e. Liability insurance, or
    - f. Contracted transportation services.
  2. Health-related services not covered by AHCCCS but necessary to enable a participant to become employed or to make a determination of employability. The following are examples:
    - a. Medical examinations and tests,
    - b. Eyeglasses and other optical services,
    - c. Dental services, or
    - d. Mental health counseling.
  3. The following are examples of other optional support services:
    - a. Clothing,
    - b. Tools, equipment, or specialized garments used in specific occupations such as uniforms, hard hats, or other similar attire,
    - c. Licenses,
    - d. GED testing,
    - e. Relocation, or
    - f. Shelter or utility assistance.
- B.** As budget permits, the Department shall provide a participant with subsidized child care and other child care related expenses to enable participation in the Jobs Program. The following are examples of other child care related expenses:

1. Transportation to and from child care centers and to and from school,
  2. Child care registration fees, and
  3. Participants' co-pay obligations.
- C.** As budget permits, Jobs may provide post-employment support services to participants whose TANF case is closed due to employment. The following are examples of post-employment support services:
1. Transportation services;
  2. Child care and related expenses;
  3. Health-related expenses;
  4. Clothing;
  5. Tools, equipment, or specialized garments;
  6. Licenses;
  7. GED testing;
  8. Relocation;
  9. Shelter or utility assistance; or
  10. Post-employment education.

#### Historical Note

Adopted effective January 10, 1977 (Supp. 77-1).  
Amended effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective June 6, 1995 (Supp. 95-2). Section repealed; new Section adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).  
Amended by final rulemaking at 11 A.A.R. 5371, effective January 14, 2006 (05-4).

#### R6-10-120. Participant Complaint Resolution

- A.** This Section applies to participant complaints about the Jobs Program, including complaints about service providers.
- B.** Each service provider shall establish a written complaint resolution procedure that shall be posted and given to participants. The complaint resolution procedure shall include an opportunity for an informal dispute resolution meeting between the participant and the service provider, and inform the participant of the right to elevate the complaint to the Program Administrator if the participant is not satisfied with the service provider decision.
- C.** A participant shall continue to participate in the Program while the complaint resolution is pending, unless the participant has established a good cause reason for not participating. If a participant fails to participate, JOBS shall initiate the sanction process as provided in R6-10-123 or withholding as provided in R6-10-124.
- D.** A participant shall use all applicable steps of the following process to seek a resolution of a complaint:
1. The participant shall attempt to informally resolve a complaint at the lowest management level. However, if a participant believes that a complaint to the service provider would be futile, the participant may complain directly to the Program Administrator under subsection (D)(4).
  2. The participant shall submit the complaint orally or in writing to the participant's service provider. If requested, the service provider shall assist the participant with writing the complaint.
  3. Upon receipt of the participant's complaint, the service provider shall respond in writing within seven days of the date the complaint was filed. The response shall provide the reason for the decision, and mention the participant's right to complain to the Program Administrator.
  4. If the service provider takes no action to resolve the complaint or the participant perceives the complaint is unsatisfactorily resolved, the participant shall submit a

complaint orally or in writing to the Program Administrator.

5. The Program Administrator shall issue a written decision within 30 days after the date the complaint is filed. The Program Administrator shall consider the participant's employment plan, applicable statutes, rules, and policy and, if applicable, the terms of the service provider's contract, in reaching a decision.

#### Historical Note

Adopted effective January 10, 1977 (Supp. 77-1). Amended effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective June 6, 1995 (Supp. 95-2). Section repealed; new Section adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 5371, effective January 14, 2006 (05-4).

*Editor's Note: The following Section was repealed and a new Section adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Ch. 300, § 74 (A). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on this Section. Subsequently, this Section was renumbered by final rulemaking. Please refer to historical note.*

#### R6-10-121. Failure to participate; Good Cause Reasons; Verification; Establishment of Good Cause

- A. Failure to participate. If a participant does not participate in work activities, including attendance at the Jobs Introduction Meeting, the case manager shall determine whether a barrier to participation has been identified through discussions with the participant, or information provided by the participant, and if so, whether services have been provided to address the barrier.
    1. If services have not been provided to address an identified barrier, the case manager shall refer the participant to available Jobs Program services or community resources.
    2. If services have been provided to address all identified barriers, or no barrier has been identified, the case manager shall send the participant a Request for Good Cause Information to determine whether a good cause reason exists for the participant not to participate.
  - B. Good cause reasons. Good cause reasons that prevent a participant from engaging in work activities under R6-10-102, include:
    1. The participant has a barrier to participation for which services are not available, or the participant is participating in referred services to address a barrier;
    2. The participant has an illness;
    3. The participant is required to care for an ill or disabled family member;
    4. Either the participant or a dependent child has an appointment that cannot be rescheduled, such as a court-ordered appearance, medical appointment, or another comparable appointment;
    5. The participant has a family emergency;
    6. The participant has a temporary lack of transportation with no reasonable alternate means of transportation;
    7. Extreme weather makes walking to childcare or work activities unreasonable for a participant who has no other form of transportation;
    8. The participant is prevented from participating due to inclement weather;
  9. The participant is unable to obtain child care for a child who is less than 13 years old because the child care is unavailable, unaffordable, or unsuitable;
  10. Child care is unavailable for a child age 13 or over who requires adult supervision:
    - a. Due to a disability, which includes mental health or other health-related issues;
    - b. Because the child would be harmful to himself, herself, or others if left alone; or
    - c. Because the child is on court-ordered probation that requires the child to remain in the home or under house arrest.
  11. The participant needs translation services that are not available or not provided.
  12. The participant is not capable of performing the work activity due to:
    - a. Unsafe worksite conditions;
    - b. Physical demands of the job;
    - c. Lack of skills, aptitude, or knowledge for the position;
    - d. Strike, lockout, or other bona fide labor dispute; or
    - e. Conditions of the participant's membership in a union representing employees in the occupation.
  13. The participant is a victim or perceives himself or herself to be a victim of domestic violence whose current situation:
    - a. Threatens the safety of the participant or any child living with the participant; or
    - b. Causes physical, mental, or emotional harm to the participant or any child living with the participant.
  14. The Department fails to provide the participant with services agreed upon in the employment plan; or
  15. Other comparable circumstances beyond the participant's control, including an error by the Department.
- C. Verification. A participant subject to subsection (A) shall provide documentation that verifies good cause within 10 calendar days of the mailing date on the Request for Good Cause Information. The case manager may obtain verification directly from the reporting source. The case manager shall, upon request, assist the participant in obtaining the documentation that verifies good cause. Verification includes the following:
1. Physician or other health care professional statement;
  2. Appointment notice from a court, FAA, or other comparable entity;
  3. Death certificate;
  4. Newspaper article, or other similar evidence of public knowledge;
  5. Document or statement from the DES Child Care Administration;
  6. Police report;
  7. Statement from crisis shelter staff or a witness to the domestic violence;
  8. Statement from a third party; or
  9. Signed participant statement explaining the circumstances that establish good cause if no other verification is possible.
- D. Notice.
1. If the participant establishes a good cause reason for failing to participate within 10 calendar days of the mailing date on the Request for Good Cause Information, the case manager shall not sanction the participant, and shall send the participant a notice indicating that good cause has been established. If, based on the information received from the participant, the case manager determines that a barrier exists that prevents the participant from participat-

ing, the case manager shall refer the participant to available Jobs Program services or community resources.

2. If the participant does not establish good cause within 10 calendar days of the mailing date on the Request for Good Cause Information, the case manager shall send the participant a notice indicating that good cause has not been established and begin the sanction process described in R6-10-123.

#### Historical Note

Adopted effective January 10, 1977 (Supp. 77-1). Amended effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective June 6, 1995 (Supp. 95-2). Section repealed; new Section adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3). Former R6-10-121 renumbered to R6-10-123; new Section R6-10-121 renumbered from R6-10-122 and amended by final rulemaking at 11 A.A.R. 5371, effective January 14, 2006 (05-4).

#### R6-10-122. Services to Address Barriers to Participation

- A. Identification of Barriers to Participation and Referral to Available Services.
  1. A participant shall notify the participant's case manager of any barrier to participation in the Jobs Program.
  2. Upon notification or personal observation that a participant has a barrier to participation, the case manager shall document the barrier, and determine whether revising the participant's employment plan would address the identified barrier. If so, the case manager shall revise the employment plan as necessary.
  3. If revising the employment plan does not address the identified barrier, the case manager shall refer the participant to available community resources.
  4. If no community resources are available to address the identified barrier, the case manager shall refer the participant to available Jobs Program services.
  5. If no services are available, the case manager shall grant the participant good cause for not participating and re-evaluate the situation in 30 days to determine whether the barrier has been resolved or services have become available.
- B. A participant shall participate in a referred service until identified barriers have been resolved, or the service is no longer available.
  1. If the participant's barriers have been resolved, the participant shall participate in work activities. If the participant does not participate in work activities after the participant's barriers have been resolved, the case manager shall initiate the good cause process under R6-10-121.
  2. If the participant does not participate in referred services and does not participate in work activities, the case manager shall initiate the good cause process under R6-10-121.

#### Historical Note

Adopted effective January 10, 1977 (Supp. 77-1). Amended effective July 27, 1983 (Supp. 83-4). Repealed effective June 6, 1995 (Supp. 95-2). New Section adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3). Former R6-10-122 renumbered to R6-10-121; new R6-10-122 made by final rulemaking at 11 A.A.R. 5371, effective January 14, 2006 (05-4).

**Editor's Note:** The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pur-

*suant to Laws 1997, Ch. 300, § 74 (A). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on this Section. Subsequently, this Section was renumbered by final rulemaking. Please refer to historical note.*

#### R6-10-123. All Families Except TPEP Families: Sanction Process

If a participant fails to participate in work activities without good cause under R6-10-121, the case manager shall initiate the sanction process.

1. Case review. Before requesting a sanction, the case manager shall review the case to determine whether all necessary steps have been taken, including barrier identification, available service referrals, and an opportunity to establish good cause. After reviewing the case and determining that a sanction is appropriate, the case manager shall submit the case to a Jobs supervisor for review. The Jobs supervisor shall review the case to determine whether all necessary steps have been taken before imposing a sanction, and shall approve or deny the sanction based on this review.
  - a. If the Jobs supervisor approves the sanction, the case manager shall sanction the participant under A.R.S. § 46-300, as provided in subsection (4).
  - b. If the Jobs supervisor does not approve the sanction, the case manager shall review the case record and take all necessary corrective action on the case.
2. Notice. If a sanction is approved, at each sanction level the case manager shall send the participant written notice of the Department's intent to sanction. The adverse action notice shall be timely and shall adequately explain:
  - a. The date and the location of the alleged failure to comply;
  - b. How or why the case manager believes the participant failed to comply;
  - c. The month in which the Department shall impose the sanction;
  - d. The length of time that the sanction will be imposed;
  - e. How the participant can stop the proposed sanction or re-comply if it is too late to stop the proposed sanction;
  - f. The name and telephone number of a specific contact person who will provide more information to the participant about the sanction level;
  - g. The percentage of the sanction;
  - h. The benefit amount, after the sanction is imposed;
  - i. The fact that the participant is required to contact a case manager by the due date listed on the notice and either participate in work activities or express an intent to participate in work activities to avoid the imposition of a sanction; and
  - j. Information regarding the right to request a hearing, and how to do so.
3. How a participant can avoid a sanction or have benefits restored after a sanction is imposed.
  - a. A participant who has received a notice that the Jobs Program intends to impose a sanction may avoid the sanction by participating in work activities, expressing an intent to participate, or identifying a barrier to participation within 10 calendar days from the mailing date on the notice.

- i. The participant may express an intent to participate in work activities by contacting the participant's case manager by telephone or appearing in person. If a barrier is identified, the case manager shall follow the process in R6-10-122.
  - ii. If the participant requests a fair hearing within 10 calendar days from the mailing date of the notice, Jobs shall not reduce the cash grant due to a sanction, pending the results of the fair hearing.
  - b. If the participant does not respond within 10 calendar days of the mailing date of the notice, the sanction is imposed. If the participant responds after the sanction is imposed, and resumes participation, expresses an intent to participate, or identifies a barrier to participation, the Jobs Program shall restore benefits after one month of sanction. The participant may express an intent to participate or identify a barrier by contacting the case manager by telephone or in person. If a barrier is identified, the case manager shall follow the process in R6-10-122. The Jobs Program shall not require a participant to begin work activities before the program takes action to restore benefits.
  - c. Upon recompliance with the Jobs Program following a sanction, the participant shall attend a Jobs Introduction Meeting if the participant has not attended a Jobs Introduction meeting in the prior six months.
  - d. If a participant has been sanctioned 100% and the participant's Jobs case has been closed, the participant shall reapply for cash assistance to resume the Jobs Program services and work activities.
4. Sanction levels. The Department shall impose a sanction, which is a percentage of the original cash assistance amount, in accordance with A.R.S. § 46-300 as follows:
    - a. For the first instance of noncompliance, the department shall reduce the household's cash assistance grant by twenty-five per cent for one month.
    - b. For a second instance of noncompliance that occurs in a month other than the month in which the first noncompliance occurred, the department shall reduce the household's cash assistance grant by fifty per cent for one month.
    - c. For a third instance of noncompliance that occurs in a month other than the month in which the second noncompliance occurred and any instance of noncompliance thereafter, the department shall terminate the household's cash assistance grant for at least one month or until the household complies. The Jobs Program shall close the participant's case at this sanction level, and upon subsequent sanctions. The former participant shall reapply for cash assistance to resume the Jobs Program services and work activities.
  5. Monitoring sanctioned participants.
    - a. A case manager shall keep a record listing each sanctioned participant, the participant's sanction date, sanction level, benefit month, and revised benefit amount, and shall review the record each month, in addition to the participant's case record, to determine whether the next sanction level should be imposed. A Jobs supervisor shall review the case record before the initiation of any sanction action by a case manager.
      - b. Before imposing the 100% sanction, the case manager shall use the following methods in an attempt to contact the participant and determine whether good cause exists under R6-10-121:
        - i. A telephone call, if the participant has a telephone;
        - ii. Notice by first class mail;
        - iii. Consultation with other programs within the Department to determine whether they have had contact with the non-compliant participant or have a current address or telephone number for the participant;
        - iv. Any other reasonable method for contacting the participant.
  6. A participant is entitled to a fair hearing, to contest a Department sanction.
  7. A participant who wishes to appeal a sanction shall file a written request with the Department, following the procedures in A.A.C. R6-12-1002.

#### Historical Note

Adopted effective January 10, 1977 (Supp. 77-1). Amended effective July 27, 1983 (Supp. 83-4). Repealed effective June 6, 1995 (Supp. 95-2). New Section adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3). Former R6-10-123 renumbered to R6-10-124; new Section R6-10-123 renumbered from R6-10-121 and amended by final rulemaking at 11 A.A.R. 5371, effective January 14, 2006 (05-4).

*Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Ch. 300, § 74 (A). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on this Section. Subsequently, this Section was renumbered by final rulemaking. Please refer to historical note.*

#### R6-10-124. TPEP: Failure to Participate; Withholding

- A. If a TPEP parent who is a participant fails to participate with Jobs Program requirements, Jobs shall determine whether good cause exists under R6-10-121.
- B. If Jobs determines that the TPEP parent failed to participate without good cause, the Department shall withhold TPEP cash assistance.
- C. Jobs shall send the participant a timely adverse action notice that adequately explains:
  1. The date and location of the alleged failure to participate;
  2. How or why the case manager believes the participant failed to participate;
  3. The pay period in which the Department shall impose the withholding; and
  4. The length of time that the withholding will be imposed;
  5. How the participant can stop the proposed withholding or resume participation if it is too late to stop the proposed withholding;
  6. The name and telephone number of a specific contact person who will provide more information to the participant about the withholding;
- D. At the third withholding, Jobs shall close the participant's Jobs case.
- E. A participant is entitled to a fair hearing to contest a Department withholding of cash assistance.

- F. A participant who wishes to appeal a withholding of cash assistance shall file a written request with the Department, following the procedures in A.A.C. R6-12-1002.

**Historical Note**

Adopted effective January 10, 1977 (Supp. 77-1). Amended effective July 27, 1983 (Supp. 83-4). Repealed effective June 6, 1995 (Supp. 95-2). New Section adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3). Former R6-10-124 renumbered to R6-10-125; new Section R6-10-124 renumbered from R6-10-123 and amended by final rulemaking at 11 A.A.R. 5371, effective January 14, 2006 (05-4).

*Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Ch. 300, § 74 (A). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on this Section. Subsequently, this Section was renumbered by final rulemaking. Please refer to historical note.*

**R6-10-125. Subsidized Employment - JOBSTART**

- A. To be eligible for JOBSTART, a participant shall:
1. Be a Jobs participant,
  2. Be receiving both cash assistance and food stamps,
  3. Complete Job Readiness training and a preliminary job search,
  4. Assist Jobs in assessing whether the participant can achieve enhanced employability through subsidized employment.
- B. If a participant is selected for JOBSTART, Jobs shall provide a JOBSTART orientation to the participant. The orientation shall describe JOBSTART, including:
1. The benefits of subsidized employment;
  2. The diversion of the participant's cash assistance and food stamp benefits for wage subsidy;
  3. The consequences of failure to comply with JOBSTART requirements;
  4. The availability of, and the requirements to qualify for and obtain, supplemental payments;
  5. The fair hearing process for challenging adverse action or failure to receive a supplemental payment;
  6. The exclusion of JOBSTART wages in calculating cash assistance and food stamp benefit eligibility;
  7. The potential eligibility for advance Earned Income Credits (EIC), as allowed under the Internal Revenue Code.
- C. Jobs shall make job referrals by matching a participant's skills, experience, and employment plan with a JOBSTART employer's requirements. Jobs shall also consider the following criteria in making JOBSTART employment referrals:
1. Whether a referral provides a participant with additional employment opportunities because of skills learned through JOBSTART employment;
  2. Whether a referral is likely to result in permanent, unsubsidized, or full-time employment for the participant;
  3. The length and quality of training the JOBSTART employer will provide to the participant;
  4. Wages, benefits, and opportunities for advancement;
  5. The employer's turnover rate; and
  6. Other comparable or similar factors.
- D. Jobs shall schedule the participant for an interview with the prospective employer and notify the participant of the interview date, place, and time.
- E. The employer shall decide whether to hire a participant.
- F. A participant shall abide by an employer's regular requirements regarding:
1. Submitting an application for employment,
  2. Appearing for interviews,
  3. Providing necessary information, such as citizenship verification,
  4. Hours of employment,
  5. Attendance,
  6. Job performance,
  7. Conduct, and
  8. Other similar conditions of employment.
- G. A participant shall:
1. Sign the Jobs form, agreeing to abide by JOBSTART requirements;
  2. Appear for pre-referral and assessment interviews with Jobs staff or a Jobs designee;
  3. File a weekly report of employment days, hours, and pay received;
  4. Accept and maintain subsidized employment or establish good cause for failing to participate, as prescribed in R6-10-121;
  5. Report changes to Jobs that affect JOBSTART participation such as:
    - a. The need for additional support services under R6-10-119,
    - b. Acceptance or refusal of an employment offer,
    - c. Absence from or termination of employment,
    - d. Job position or function modifications, and
    - e. Other similar or comparable factors;
  6. Ensure that the participant's children between the ages of 6 and 16 receive school instruction as prescribed in A.R.S. § 15-802.
- H. At the end of each work week, a participant shall complete and sign the Jobs form on which the participant shall indicate the participant's name, days and hours worked, and pay received. The participant shall obtain the participant's supervisor's signature, or the signature of that person's designee, on the form and send the form to the participant's case manager.
- I. Jobs shall use information on the form to determine:
1. Whether the participant is entitled to a supplemental payment under subsection (N);
  2. The amount of reimbursement for JOBSTART employers under R6-10-126(H); and
  3. The participant's compliance with JOBSTART requirements.
- J. If the participant fails to send in the completed form, the Department shall initiate the sanction process, under R6-10-123, or a withholding under R6-10-124 for TPEP. If the employer fails to sign the form, Jobs shall delay reimbursement payments to the employer until the employer signs the form or is terminated for the failure to sign, under R6-10-126.
- K. A participant may participate in JOBSTART employment for up to six months with one extension of three months, at the option of Jobs. If a participant's employer wishes to request the three month extension, the employer shall make the request in writing and shall provide the following information on which Jobs shall consider in its decision whether to extend:
1. Name of the participant for whom the extension is requested;
  2. Position for which an extension is requested;
  3. Additional experience or training that is necessary for the participant to achieve competency;

4. Whether the employer expects to hire the individual following the extension;
  5. The length of the extension, not to exceed three months; and
  6. Other similar or comparable factors indicating that an extension is necessary.
- L.** Jobs shall not permit the total JOBSTART employment time for a participant to exceed nine months.
- M.** A participant shall comply with Jobs Program requirements, including all JOBSTART requirements as prescribed in this Article. If a participant fails to participate or to comply with these requirements, the Department shall impose a sanction, under R6-10-123, or withholding of cash assistance under R6-10-124.
- N.** Each month, the Department shall make a supplemental payment to any participant whose net wages do not equal the combined benefit amount of cash assistance and food stamps for which the participant is eligible.
- O.** If a participant's combined cash assistance and food stamp monthly benefit amount exceeds the amount of the participant's adjusted gross wages and supplemental payments for the same month, and the loss is due to an unpaid hour of unexcused absence as reported by the JOBSTART employer, the Department shall:
1. Presume that each unpaid hour was not for good cause;
  2. Withhold a supplemental payment to make up the difference; and
  3. Send the participant written notice of adverse action no later than 10 calendar days following the end of the benefit month. At minimum, the notice shall include the following information:
    - a. When and how the participant failed to comply, the consequences of the noncompliance, the month in which the Department is imposing the sanction or withholding, and how the participant can reemploy;
    - b. The participant's right to provide verification of good cause for such absence, under R6-10-121, and the participant's right to receive a supplemental payment if the Department finds that the participant has established good cause; and
    - c. The participant's responsibility to provide documentation of good cause to Jobs within 10 calendar days from the mailing date of the notice to avoid withholding of the supplemental payment pending the outcome of a fair hearing.
- P.** The Department shall provide a supplemental payment, reconciling any difference, no later than 10 work days after the end of the month in which the participant establishes good cause if:
1. The participant provides verification of good cause under R6-10-121, and
  2. The verification is received by Jobs within 10 calendar days of the mailing date on the adverse action notice.
- Q.** The Department shall not provide the participant with a supplemental payment, reconciling the difference, if the participant does not request a hearing or requests a hearing but waives the continuation of benefits pending the outcome of the hearing, and either does not:
1. Provide any verification of good cause, or
  2. Timely provide verification of good cause.
- R.** The Department shall conduct hearings on appeals of adverse action as prescribed in Article 3. Grievances are also governed by procedures provided in Article 3.

#### Historical Note

Adopted effective January 10, 1977 (Supp. 77-1).  
Amended effective July 27, 1983 (Supp. 83-4). Repealed effective June 6, 1995 (Supp. 95-2). New Section adopted

effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3). Former R6-10-125 renumbered to R6-10-126; new Section R6-10-125 renumbered from R6-10-124 and amended by final rulemaking at 11 A.A.R. 5371, effective January 14, 2006 (Supp. 05-4).

#### R6-10-126. Employer Participation - JOBSTART

- A.** An employer who wants to participate in JOBSTART shall notify the Jobs office in the community where the employer is located. To qualify for participation, an employer shall:
1. Agree to place a participant in a full-time position;
  2. Offer the participant an opportunity for full-time, unsubsidized employment;
  3. Not require a participant to work more than an average of 40 hours per week, on a regular basis;
  4. Not place the participant in a position that will displace a regular employee;
  5. Pay wages that are substantially similar to the wages paid for similar jobs, with adjustments for experience and skills, but never less than the federal minimum wage;
  6. Maintain safety, health, and working conditions at or above levels generally acceptable in the industry and no less than conditions of comparable jobs offered by the employer;
  7. Provide training at the worksite that is necessary to meet the competency standards for the position;
  8. Provide health care coverage, sick leave, holidays, vacation leave, and other comparable benefits in accordance with the employer's rules for new employees;
  9. Provide Workers' Compensation coverage;
  10. Help the participant obtain any advance Earned Income Credit for which the participant may be eligible;
  11. Sign the agreement, as prescribed in subsection (D); and
  12. Sign the Department's certification form, as prescribed in subsection (F).
- B.** If the employer satisfies the criteria listed in subsection (A), the employer may submit a job placement order to Jobs. The order shall include the following information on the available position:
1. Days and hours of work,
  2. Wages,
  3. Description of responsibilities,
  4. Benefits,
  5. Any opportunity for advancement, and
  6. Other pertinent job-related information.
- C.** An employer is not required to participate in JOBSTART.
- D.** An employer who wants to hire a participant shall sign an agreement with the Department.
1. The employer shall affirm that the employer satisfies all of the criteria listed in subsection (A) and will continue to meet all the criteria while participating in JOBSTART.
  2. If the employer violates a JOBSTART requirement, the employer shall repay any reimbursements the employer receives after the date of the violation.
  3. The employer shall avoid conflicts of interest and the appearance of impropriety or favoritism in hiring practices, such as preferential hiring of relatives, friends, and business associates.
  4. The employer shall prepare and provide to the Department the following reports:
    - a. Each week, the employer shall verify and sign a timesheet for each participant stating:
      - i. Gross wages,
      - ii. Participant net earnings,
      - iii. Number of paid hours worked (including paid hours of leave),

- iv. Hours for which a participant was not paid because the participant had an unexcused absence, and
  - v. Hours for which the participant was not paid because the employer reduced available work hours.
- b. No later than the 10th workday of each calendar month following a month of work, the employer shall complete and provide Jobs with a one-page report on each participant's performance. The report shall include the employer's assessment of the participant's:
- i. Skills (competencies) gained as a result of employment;
  - ii. Ability to correctly and timely complete assignments;
  - iii. General work habits such as punctuality, absenteeism, and neatness of work area; and
  - iv. Development of effective and efficient working relationships with people, including supervisors, peers, and subordinates.
5. An employer shall allow Jobs staff to schedule and make visits to the worksite, so that staff can observe a participant's work activities and interview the participant.
- E.** The employer shall sign and date the agreement. A Jobs representative and the participant shall also sign and date the agreement.
- F.** An employer who wants to participate in JOBSTART shall provide Jobs with a completed, signed, dated, and certified form. On the form, the employer shall certify that the following information is true, regarding the employer, and its principal officers and directors:
- 1. The employer is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by a federal department or agency, the state of Arizona, or any other state.
  - 2. The employer has not, within the preceding three years, been convicted of or had a civil judgment rendered against the employer for:
    - a. Fraud,
    - b. Antitrust violations,
    - c. Embezzlement,
    - d. Theft,
    - e. Forgery,
    - f. Bribery,
    - g. Falsification or destruction of records,
    - h. Making false statements, or
    - i. Receiving stolen property.
- G.** Jobs shall compute an employer's reimbursement amount, based on the information the participant and employer provide under subsection (D)(4)(a).
- H.** For each participant, Jobs shall provide an employer with reimbursement for wages and employer's expenses that is the lesser of:
- 1. The gross wages paid to the participant in the month, or
  - 2. \$400.
- I.** Jobs shall issue the reimbursement no later than the 25th day of the same calendar month in which the employer's report is timely received. Late receipt of the form may delay reimbursements.
- J.** If Jobs knows or learns of information indicating that the employer's certification, under subsection (F), is or has become untrue, Jobs shall terminate the employer's participation in JOBSTART in writing, and exclude the employer from participation in the future.
- K.** Jobs shall also terminate an employer's participation in JOBSTART if the employer demonstrates a pattern of either unjustifiably terminating participants before the completion of their training or of not offering unsubsidized employment to participants who have successfully completed training with the employer.
- 1. Jobs shall consider each occurrence of either circumstance in establishing the pattern.
  - 2. Jobs shall not allow the employer to participate in JOBSTART if the total number of occurrences exceed the greater of the following figures, unless the employer can establish good cause:
    - a. 2 occurrences, or
    - b. 20% of the total number of participants placed with the employer.
  - 3. If the employer claims good cause, the employer shall provide proof that a participant failed to meet the employer's requirements, absent good cause, pursuant to R6-10-125(F), and that the employer attempted to establish a reasonable alternative with the participant but was unsuccessful, due to circumstances outside the employer's control.
- L.** If Jobs determines that an employer has violated JOBSTART requirements, in subsection (A), Jobs shall take all of the following adverse actions against the employer:
- 1. Withhold any subsidized payment due the employer, following the date of the violation;
  - 2. Seek repayment of any amount overpaid to the employer; and
  - 3. Exclude the employer from participation in JOBSTART, as prescribed in subsection (J).
- M.** If Jobs plans to take adverse action against an employer, Jobs shall send the employer a written notice of adverse action. The notice shall include:
- 1. The name and address of the employer;
  - 2. The action taken and the reason for the adverse action;
  - 3. The authority for the action; and
  - 4. The employer's appeal rights.
- N.** An employer who disagrees with the amount of an unsubsidized payment or is subject to adverse action as prescribed in subsection (M), may file a grievance as provided in Article 3.
- O.** The Department shall conduct grievance procedures under R6-10-303.

**Historical Note**

Adopted effective January 10, 1977 (Supp. 77-1).  
 Amended effective July 27, 1983 (Supp. 83-4). Repealed effective June 6, 1995 (Supp. 95-2). New Section R6-10-126 renumbered from R6-10-125 and amended by final rulemaking at 11 A.A.R. 5371, effective January 14, 2006 (Supp. 05-4).

**R6-10-127. Repealed****Historical Note**

Adopted effective January 10, 1977 (Supp. 77-1).  
 Amended effective July 27, 1983 (Supp. 83-4). Repealed effective June 6, 1995 (Supp. 95-2).

**R6-10-128. Repealed****Historical Note**

Adopted effective January 10, 1977 (Supp. 77-1).  
 Amended effective July 27, 1983 (Supp. 83-4). Repealed effective June 6, 1995 (Supp. 95-2).

**ARTICLE 2. REPEALED****R6-10-201. Repealed****Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).  
Amended effective January 10, 1997 (Supp. 97-1).  
Repealed effective July 31, 1997, under an exemption  
from the provisions of A.R.S. Title 41, Chapter 6 (Supp.  
97-3).

**R6-10-202. Repealed****Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).  
Repealed effective July 31, 1997, under an exemption  
from the provisions of A.R.S. Title 41, Chapter 6 (Supp.  
97-3).

**R6-10-203. Repealed****Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).  
Repealed effective July 31, 1997, under an exemption  
from the provisions of A.R.S. Title 41, Chapter 6 (Supp.  
97-3).

**R6-10-204. Repealed****Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).  
Repealed effective July 31, 1997, under an exemption  
from the provisions of A.R.S. Title 41, Chapter 6 (Supp.  
97-3).

**R6-10-205. Repealed****Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).  
Repealed effective July 31, 1997, under an exemption  
from the provisions of A.R.S. Title 41, Chapter 6 (Supp.  
97-3).

**R6-10-206. Repealed****Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).  
Repealed effective July 31, 1997, under an exemption  
from the provisions of A.R.S. Title 41, Chapter 6 (Supp.  
97-3).

**R6-10-207. Repealed****Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).  
Repealed effective July 31, 1997, under an exemption  
from the provisions of A.R.S. Title 41, Chapter 6 (Supp.  
97-3).

**R6-10-208. Repealed****Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).  
Repealed effective July 31, 1997, under an exemption  
from the provisions of A.R.S. Title 41, Chapter 6 (Supp.  
97-3).

**R6-10-209. Repealed****Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).  
Repealed effective July 31, 1997, under an exemption  
from the provisions of A.R.S. Title 41, Chapter 6 (Supp.  
97-3).

**R6-10-210. Repealed****Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).  
Repealed effective July 31, 1997, under an exemption  
from the provisions of A.R.S. Title 41, Chapter 6 (Supp.  
97-3).

**R6-10-211. Repealed****Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).  
Repealed effective July 31, 1997, under an exemption  
from the provisions of A.R.S. Title 41, Chapter 6 (Supp.  
97-3).

**R6-10-212. Repealed****Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).  
Repealed effective July 31, 1997, under an exemption  
from the provisions of A.R.S. Title 41, Chapter 6 (Supp.  
97-3).

**R6-10-213. Repealed****Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).  
Repealed effective July 31, 1997, under an exemption  
from the provisions of A.R.S. Title 41, Chapter 6 (Supp.  
97-3).

**R6-10-214. Repealed****Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).  
Repealed effective July 31, 1997, under an exemption  
from the provisions of A.R.S. Title 41, Chapter 6 (Supp.  
97-3).

**R6-10-215. Repealed****Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).  
Repealed effective July 31, 1997, under an exemption  
from the provisions of A.R.S. Title 41, Chapter 6 (Supp.  
97-3).

**R6-10-216. Repealed****Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).  
Repealed effective July 31, 1997, under an exemption  
from the provisions of A.R.S. Title 41, Chapter 6 (Supp.  
97-3).

**R6-10-217. Repealed****Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).  
Repealed effective July 31, 1997, under an exemption  
from the provisions of A.R.S. Title 41, Chapter 6 (Supp.  
97-3).

**R6-10-218. Repealed****Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).  
Repealed effective July 31, 1997, under an exemption  
from the provisions of A.R.S. Title 41, Chapter 6 (Supp.  
97-3).

**R6-10-219. Repealed****Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).  
Repealed effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

**R6-10-220. Repealed****Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).  
Repealed effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

**ARTICLE 3. JOB DISPLACEMENT GRIEVANCE PROCEDURES**

*Editor's Note: The following Section was amended under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Ch. 300, § 74 (A). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on this Section.*

**R6-10-301. Definitions**

The definitions in R6-10-101 apply to this Article.

**Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).  
Amended effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3). Amended by final rulemaking at 11 A.A.R. 5371, effective January 14, 2006 (Supp. 05-4).

**R6-10-302. Job Displacement**

Regular employees of employers with whom Jobs participants are placed in unpaid or subsidized jobs may file a grievance regarding displacement as prescribed in this Article. As used in this Section, "displacement" means assignment of a participant to a position which:

1. Results in the termination or reassignment of a regular employee;
2. Results in the reduction of non-overtime work, wages, or benefits for a regular employee;
3. Impairs an existing contract for service or a collective bargaining agreement;
4. Fills the position of a regular employee on layoff status;
5. Creates a new position for the participant that has substantially the same job functions as the position held by a regular employee who is on layoff or subsequently terminated;
6. Infringes upon the promotional opportunities of a regular employee; or
7. Fills any established, unfilled position that can be filled by a qualified, regular employee who has applied for the position.

**Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).  
Amended by final rulemaking at 11 A.A.R. 5371, effective January 14, 2006 (Supp. 05-4).

*Editor's Note: The following Section was amended under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Ch. 300, § 74 (A). Exemption from A.R.S.*

*Title 41, Chapter 6 means the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on this Section.*

**R6-10-303. Grievance Process**

- A. Upon request, Jobs shall provide information to regular employees and JOBSTART employers regarding their right to file a grievance and the procedure for doing so.
- B. An aggrieved party may seek to informally resolve a grievance at the regional level with the Jobs Regional Program manager, or that person's designee, or may request a fair hearing.
- C. To pursue informal resolution, an aggrieved party shall file a Departmental grievance form with the Jobs Regional Program Manager or designee. The form shall contain the following information:
  1. Aggrieved party's name, address, and telephone number;
  2. Date of grievance;
  3. Contact person, if other than the aggrieved party;
  4. Regional Program Manager or designee, address, telephone number;
  5. A description of the action that is the subject of the grievance and the date of the action; and
  6. The proposed resolution.
- D. If the aggrieved party requests an informal resolution, the Department shall hold an informal resolution meeting with the aggrieved party, within 15 working days from the date the Department receives the grievance.
- E. If a grievance is not resolved at the informal meeting, the aggrieved party may request a fair hearing with the Department of Economic Security, Office of Appeals, within 30 days from the date of the informal meeting, by sending a written request for a fair hearing to the Jobs local office.
- F. If the aggrieved party does not choose to seek an informal resolution as prescribed in subsections (C) and (D), the aggrieved party may request a fair hearing by filing a written request with the local Jobs office. An employer who requests a fair hearing shall file a written request within 30 calendar days of the date of the adverse action notice as described in A.A.C. R6-12-1002. Upon request, Jobs shall assist the aggrieved party in preparing the hearing request. Assistance shall include an explanation of the aggrieved party's right to fair hearing, the fair hearing procedures, and the process.
- G. A request for a hearing is deemed filed on the date specified in A.A.C. R6-12-1002.
- H. The Jobs local office shall prepare and forward the request for a hearing to the Office of Appeals. The Jobs office shall include:
  1. The information submitted under subsection (C);
  2. The decision reached at the informal resolution meeting, if any; and
  3. Any decision, notice, or other documents relating to the hearing request.
- I. Upon receipt of a request for a fair hearing, the Office of Appeals shall conduct the hearing under A.A.C. R6-12-1005 through R6-12-1007 and R6-12-1009 through R6-12-1013(A), except that references to "FAA" are replaced by "Jobs."

**Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).  
Amended effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3). Amended by final rulemaking at 11 A.A.R. 5371, effective January 14, 2006 (Supp. 05-4).

*Editor's Note: The following Section was amended under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Ch. 300, § 74 (A). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on this Section.*

**R6-10-304. Further Appeal**

**A.** Regular employees grieving displacement issues under R6-10-126(A)(4) may appeal any decision of a Department hearing officer as prescribed below:

1. The aggrieved party shall send the appeal to:
  - Office of Administration Law Judges
  - U.S. Department of Labor
  - Vanguard Building, Room 600
  - 1111 20th Street, N.W.
  - Washington, DC 20036
2. The aggrieved party shall send a copy of the appeal to the following:
  - a. Assistant Secretary for Employment and Training
    - U.S. Department of Labor
    - 200 Constitution Avenue, N.W.
    - Washington, DC 20210; and

- b. Assistant Secretary for Family Support
    - Department of Health and Human Services
    - 370 L'Enfant Promenade, SW, 6th Floor
    - Washington, DC 20447
  3. The aggrieved party shall include the following information in the appeal:
    - a. The full name, address, and telephone number of the aggrieved party;
    - b. Citations to provisions or regulations the aggrieved party believes have been violated;
    - c. A copy of the original grievance filed with the state; and
    - d. A copy of the state's finding and decision.
  4. The decision of the Office of the Administrative Law Judges is the final decision of the Department of Labor.
- B.** Employers grieving issues under R6-10-126 may appeal the findings of a Department hearing officer to the Department's Appeals Board under R6-12-1014(A), except that the decision of the Board is final.

**Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).  
 Amended effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3). Amended by final rulemaking at 11 A.A.R. 5371, effective January 14, 2006 (Supp. 05-4).